

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT

IN RE: : CHAPTER 13  
KIMBERLY LYNN FIELD :  
JOHN JOSEPH CEPARANO :  
: :  
Debtor(s) : CASE NO. 5:12-bk-04565RNO  
: :  
CHARLES J. DEHART, III :  
CHAPTER 13 TRUSTEE :  
Movant :  
: :  
vs :  
: :  
KIMBERLY LYNN FIELD :  
JOHN JOSEPH CEPARANO : MOTION TO DISMISS  
Respondent(s) :  
:

TRUSTEE'S MOTION TO DISMISS CASE

AND NOW, comes Charles J. DeHart, III, Esquire, Standing Chapter 13 Trustee, through his attorney Agatha McHale, Esquire and brings this Motion to Dismiss Case, a statement of which follows:

1. Debtor(s) filed the above case on August 03, 2012.
2. The plan obligates Debtor(s) to make monthly payments to the Trustee.
3. The Trustee filed Motions to Dismiss Case for Material Default due to non-payment of these monthly payments on the following dates: May 07, 2015    November 12, 2015 and March 23, 2016 .
4. Debtor(s) cured each of these defaults prior to the scheduled hearing and therefore avoided entering into a stipulation to maintain timely payments.
5. Debtor(s) is currently two months in default with arrearages of \$1,830.00 through July, 2016.
6. The non-payment of Debtor's plan obligation is

- a. a material default with respect to the confirmed plan; and
  - b. an unreasonable delay by Debtor that is prejudicial to creditors
7. Dismissal of the case is in the best interest of the creditors and the estate.
  8. Notice of conference, hearing and other instructions are included with this Motion.

WHEREFORE, the Standing Chapter 13 Trustee requests this Court to dismiss the above case.

Respectfully submitted,

Charles J. DeHart, III  
Standing Chapter 13 Trustee

/s/ Agatha McHale  
Agatha McHale, Esquire  
Attorney for Movant  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
717-566-6097  
FAX 717-566-8313  
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UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:

KIMBERLY LYNN FIELD :  
JOHN JOSEPH CEPARANO :  
: CASE NO: 5:12-bk-04565RNO  
: :  
: MOTION TO DISMISS

**NOTICE TO PARTIES IN INTEREST**

NOTICE IS HEREBY GIVEN THAT Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for failure to make timely plan payments pursuant to the Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a CONFERENCE before the Trustee and a HEARING with the Court have been scheduled on this motion.

Any matters not resolved at the Trustee's Conference shall be heard at the dismissal hearing to be held as stated below:

**CONFERENCE before Trustee:**

Aug 31, 2016, at 9:00 a.m.  
U.S. Bankruptcy Court  
Max Rosen U.S. Courthouse  
197 S. Main St.  
Wilkes Barre, PA

**HEARING:**

Aug 31, 2016, at 9:35 a.m.  
U.S. Bankruptcy Court  
Max Rosen U.S. Courthouse  
197 S. Main St.  
Wilkes Barre, PA

YOU ARE FURTHER NOTICED that you **MUST** attend this conference or the dismissal hearing unless one of the following takes place on or before: **August 24, 2016**

1. You have entered into a valid stipulation with Trustee DeHart and that stipulation has been filed with the U.S. Bankruptcy Court in Harrisburg, PA, on or before August 24, 2016.
2. You have filed a voluntary conversion to Chapter 7 or a voluntary dismissal with the U.S. Bankruptcy Court in Harrisburg, PA and have served a copy of that motion upon Trustee DeHart.

FAILURE TO COMPLY WITH THE ABOVE WILL RESULT IN YOUR CHAPTER 13 CASE BEING CALLED FOR DISMISSAL HEARING WITH THE COURT IMMEDIATELY AFTER YOUR CONFERENCE WITH THE TRUSTEE AND MAY RESULT IN DISMISSAL OR YOUR CASE. **PAYMENT IN FULL WILL NOT EXCUSE YOU FROM THE HEARING.**

Any questions concerning plan arrearage should be directed to Trustee DeHart's office at (717) 566-6097, Monday - Friday, 9:00 a.m. to 4:00 p.m. Do not call the Bankruptcy Court, as the Court does not maintain records for debtor's payment status.

DATE: July 19, 2016  
CHARLES J. DEHART, III, TRUSTEE

**CERTIFICATE OF SERVICE**

I hereby certify that the Debtor and his/her counsel, have been served a copy this Motion, Notice and Proposed Order by First Class Mail, unless served electronically, at the below address on July 19, 2016.

KIMBERLY LYNN FIELD  
JOHN JOSEPH CEPARANO  
3478 HEMLOCK FARMS  
LORDS VALLEY, PA 18428  
Debtor(s)

MATTHEW A SCHMIDT, ESQUIRE  
AMORI & ASSOCIATES  
513 SARAH STREET  
STROUDSBURG, PA 18360-  
Attorney for Debtor(s)

RESPECTFULLY SUBMITTED,

/s/ Liz Joyce  
Liz Joyce  
For Charles J. DeHart, III,  
Standing Chapter 13 Trustee

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

KIMBERLY LYNN FIELD	:	
JOHN JOSEPH CEPARANO	:	
Debtor(s)	:	CHAPTER 13
	:	
CHARLES J. DEHART, III	:	
CHAPTER 13 TRUSTEE	:	
Movant	:	
	:	CASE NO: 5-12-04565RNO
	:	
vs.	:	
	:	
KIMBERLY LYNN FIELD	:	
JOHN JOSEPH CEPARANO	:	
		MOTION TO DISMISS
Respondent(s)		

**ORDER DISMISSING CASE**

Upon consideration of the Trustee's Motion to Dismiss, it is hereby ORDERED that the above-captioned bankruptcy be and hereby is DISMISSED.